

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

November 7, 2003

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Your Reference: 09/707,167  
Our Reference: 9369-161

**By Facsimile**

Commissioner of Patents  
Alexandria, VA  
U.S.A. 22313-1450

Dear Sirs:

**Re: TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**  
**U.S. Patent Application No. 09/707,167**  
**Filed: November 7, 2000**  
**Title: Oil Bodies and Associated Proteins as Affinity Matrices**  
**Inventors: Maurice Moloney, Joseph Boothe and Gijs van Rooijen**  
**Art Unit: 1653**  
**Examiner: Samuel W. Liu**

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SemBioSys Genetics Inc., a corporation of Alberta, of Bay #110, 2985-23<sup>rd</sup> Avenue N.E., Calgary, Alberta, T1Y 7L3, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 09/707,167, filed on November 7, 2000 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices" by virtue of an assignment recorded at Reel 12646, Frame 0298 on March 6, 2002; (2) U.S. Patent No. 6,509,453, issued on January 21, 2003 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices", by virtue of an assignment recorded at Reel 012648, Frame 0732 on March 6, 2002, and (3) U.S. Patent Application Serial No. 10/260,960, filed on October 1, 2003 and entitled "Oil Bodies and Associated Proteins As Affinity Matrices", by virtue of an assignment recorded at Reel 013883, Frame 0129 on February 25, 2003.

SemBioSys Genetics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,509,453 and U.S. Patent Application Serial No. 10/260,960 and hereby agrees that

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any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,509,453 and U.S. Patent Application Serial No. 10/260,960, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, SemBioSys Genetics Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of United States Patent No. 6,509,453 or U.S. Patent Application Serial No. 10/260,960, as presently shortened by any terminal disclaimer, in the event that either patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned is an agent of record in the application.

Respectfully submitted,

**Maurice Moloney, Joseph Boothe  
and Gijs van Rooijen**



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MG/jl